

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION**

FREEDOM FROM RELIGION  
FOUNDATION, INC., a Wisconsin  
non-profit corporation,

*Plaintiff,*

v.

CHIP WEBER, Flathead National  
Forest Supervisor, and UNITED  
STATES FOREST SERVICE, an  
agency of the United States Department  
of Agriculture,

*Defendants,*

and

WILLIAM GLIDDEN, RAYMOND  
LEOPOLD, EUGENE THOMAS,  
NORMAN DeFORREST, and the  
KNIGHTS OF COLUMBUS,

*Defendant-Intervenors.*

Case No. CV 12-19-M-DLC

**PARTIES' STIPULATED  
FACTS**

Plaintiff Freedom From Religion Foundation, Inc., ("Plaintiff"), Defendants Chip Weber and the United States Forest Service ("Federal Defendants"), and Defendant-Intervenors Knights of Columbus (Kalispell Council No. 1328),

William Glidden, Raymond Leopold, Norman DeForrest, and Eugene Thomas (“Intervenors”), by and through their respective counsel of record, and as instructed by the Court at the preliminary pretrial conference, hereby stipulate and agree that the following facts are deemed to be true and need not be proven at trial or supported in motions practice by additional proof:

1. Defendant Chip Weber is the Forest Service Supervisor for the Flathead National Forest, with his principal office located at 650 Wolf Pack Way, Kalispell, Montana, 59901.
2. The office of Defendant Weber is located within the geographic authority of the District Court for the District of Montana.
3. Tom Tidwell is the United States Forest Service Chief.
4. Tom Vilsack is the Secretary of the United States Department of Agriculture.
5. The Flathead National Forest, including Big Mountain, is located west of the Continental Divide and south of the Canadian border, within the Rocky Mountains.
6. The Flathead National Forest receives visitors.
7. In 1953, the Knights of Columbus submitted an application to the Forest Service for a permit to use National Forest land.

8. A permit was issued by the Forest Service to the Knights of Columbus in 1953.

9. A monument including a statue depicting Jesus Christ was placed on the site in 1954.

10. The special use permit was renewed in 1990 and 2000 for ten year terms. AR A-25, A-27.

11. In 2010 the Knights of Columbus sought another ten year renewal of the permit authorizing the monument.

12. On August 24, 2011, the Forest Service sent the Knights of Columbus a letter denying their request for renewal of the special use permit. AR A-18.

13. On October 21, 2011, the Forest Service withdrew its earlier decision denying the special use permit and stated its intent to “formally seek public comment on a proposed action for reissuing the permit in the next few weeks.” AR A-12.

14. The request for comments on the special use permit renewal generated extensive public comment and interest. The Forest Service received approximately 95,000 comments during the comment period from October 19, 2011, to December 8, 2011. AR A-05.

15. In a "Decision Memo" dated January 31, 2012, the Forest Service issued a new decision to re-authorize the Knights of Columbus Special Use Permit for a period of ten years. AR A-04.

Dated this 12<sup>th</sup> day of June, 2012.

/s/ Martin S. King  
Martin S. King  
Worden Thane P.C.

/s/ Richard L. Bolton  
Richard L. Bolton, Esq.  
Boardman & Clark LLP

*Attorneys for Plaintiff*

Dated this 12<sup>th</sup> day of June, 2012.

/s/ David B. Glazer  
David B. Glazer  
Environment & Natural Resources Division  
United States Department of Justice

*Attorneys for Federal Defendants*

Dated this 12<sup>th</sup> day of June, 2012.

/s/ Charles A. Harball  
Charles A. Harball

/s/ Eric S. Baxter

Eric C. Rassbach

Eric S. Baxter

The Becket Fund For Religious Liberty

*Attorneys for Defendant-Intervenors*